

Considered: _____

WATER PERMIT NO. 5014-3

MAP No. 5014-3

Name of Applicant Lawrence McInerney

Post Office Address RR 2, Box 41, Elk Point 57025

Amount of Water Claimed 1.72 Total Acres 120

Source of Water Supply one well 116' deep

Water to be used for IRR County Union

About 3N 5 miles west of Elk Point

PROOF OF PUBLICATION: Received 6-8-84 Not Received _____

APPLICATION: Approved 7-11-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 2/23/84 Fee 225.00 Remarks needed log/2A

2/23/84

Corrected Application Received 3/19/84 Period of Annual Use 5/1 to 10/31

WATER QUALITY APPROVAL RECEIVED 3/12/84 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES xx NO _____ REMARKS _____

Diversion Point _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5-T91N-R50W

Land to be Irrigated _____

NW $\frac{1}{4}$, Section 5-T91N-R50W

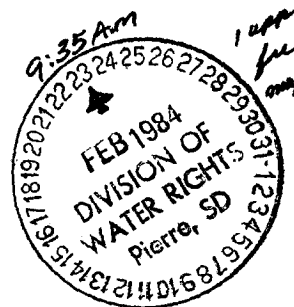
*					
5					

Well Log: Driller Wetmore Drilling Licensed YES XX NO _____

Depth of Well 116' deep REMARKS _____

Type of Map aerial PREPARED BY Louie De Smet Reviewed and the Number

assigned on 3/20/84 By Betty Westlund

No. 5014-3Map No. 5014-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10170101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Lawrence McInerney Phone No. 356-2716Post Office Address RR 2 Box 41 Elk Point State South Dakota 57025
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Lawrence McInerney #14. Amount of water claimed (cubic feet per second) 1.75 (1.72 MAX ALL)5. Source of water supply Well6. Location of point of diversion Center of NW 1/4 Section 5 T91N R 50W (NE⁴ NW⁴)County UNION7. Annual period or periods during which water is to be used May to October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 120

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 Sec 5 T91N R50W	120

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Leader Courier

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well and Pump

B. Works proposed to transport water to place of use.

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 35,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of UNION) ss.I, Lawrence McInerney, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Lawrence McInerneySubscribed and sworn to before me this 22nd day of Feb, 1984

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 5014-3

Lawrence McInerney

(Applicant)

RT. 2 Box 41 ELK Point

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 23, 1984

Date of return to applicant for correction, amendments or changes required —, 19—

Date of receipt of corrected application —, 19—

Approved July 11, 1984, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 5014-3

The Water Management Board hereby grants and issues this Water Right Permit No. 5014-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 23, 1984
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 11, 1989
3. The whole of said work is to be completed on or before July 11, 1989
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 11, 1993
5. The water appropriated shall be used for the purpose of Irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.72 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before July 11, 1993; said water to be used during the following described

annual period: May 1st to October 31st

Witness my hand this 3 day of August, 1984

THE WATER MANAGEMENT BOARD

By: John H. H. H.

Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 116"
- b) Casing Type PVC Diameter 16" Thickness .750
- c) Screen Type SLOTTED Diameter 16" Thickness .750
- d) Gravel Pack Thickness 4" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 82'
- f) Depth of Water (ground surface to water level) 19'
- g) Distance to nearest existing domestic well:
- On applicants property 80 rods On property owned by others 180 rods

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

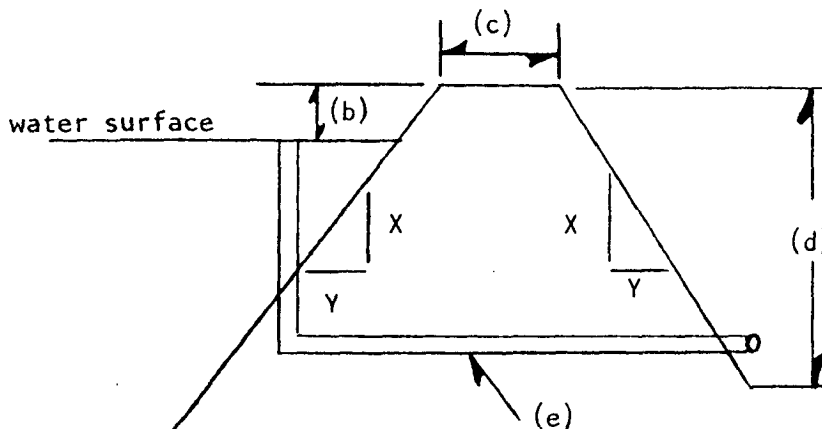
f) X & Y Slope
Upstream _____

Downstream _____

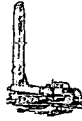
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Laurence M. Lerner
Signature of Applicant



WETMORE DRILLING

P.O. BOX 577 · ELK POINT, SOUTH DAKOTA 57025 · (605) 356-3272

WELL LOG FOR LAWRENCE MCINERNEY

NW $\frac{1}{4}$ Sec 5 T-91-N R-~~60~~⁵⁰W

0	- 2'	Topsoil
2	- 63'	Fine sand
63	- 82'	Fine sand & gravel
82	- 116'	Coarse sand & gravel

James Wetmore
James Wetmore
Wetmore Drilling
P.O. Box 577
Elk Point, SD



NOT TO SCALE

92-50

65R

(6-132)
136.2

Well
X

(6-135)
64.3

6.0

5

122.3

7.9

(6-135)
92.3

Prepared by
Jamie E De smet
Union Co Est of
Feb 22-84
Sec. 5 - 91-50

(6-359)
32.2

10.2

91-50

A/M 5014-3

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Lawrence McInerney

OWNERS ADDRESS: RR 2 Box 41

Elk Point, SD 57025

COUNTY LAND LOCATED IN: UNION

PHONE: 356-2716

TENANT'S NAME AND ADDRESS:

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION

Depth 120'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location

Legal Description	Acres	Legal Description	Acres
NW 1/4 Section 5 T91N R 50W	120		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED

LEGAL DESCRIPTION:

IN WHAT NAME:

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: ☒ GUN: (Specify)

6. CROPS TO BE IRRIGATED: Corn, soybeans, alfalfa, etc.

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 84-0017

10. ADJUSTED (SAR): 2.10

8. SALINITY (EC X 10⁶): 1300 μ mhos/cm

11. PERCENT SODIUM 12.1%

9. SODIUM (SAR): 0.74

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 10 a.m./p.m., on 1/10, 1984, at the following location: Sw 1/4 NW 1/4 Sec. 5-T91N R50W by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

9th DAY OF January, 1984.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

#4085

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Lawrence McInerneyLEGAL DESCRIPTION: NW $\frac{1}{4}$ 5-91-50 = 120 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

All the soils mapped in the NW $\frac{1}{4}$ 5-91-50 are subject to seasonal high water tables. Under irrigation these water tables may become and remain perched. This may cause crop reduction and trafficability problems due to wetness, as well as preventing the necessary leaching of salts, for these reasons adequate internal drainage is required. To achieve this necessary internal drainage may require the use of a drainage system such as tile drainage system.

The drainageway in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ shall remain in grass and/or alfalfa.

RECOMMENDED MANAGEMENT:

We recommend the use of conservation tillage to control erosion and conserve soil moisture. You may wish to monitor the water table movements and soils relative to the effects of irrigation.

Jack M. Fyfe
SIGNATURE3-9-84
DATE



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

January 30, 1984

Lawrence McInerney
RFD 2, Box 41
Elk Point, SD 57025



Dear Mr. McInerney:

In reviewing your soil and water compatibility application for the NW $\frac{1}{4}$ 5-91-50 = 120 acres, the Irrigation Staff is recommending a Conditional Approval of your application to the State Conservation Commission at their March 8, 1984 meeting. The Conditional recommendation is based on the clay content of your soils and the seasonal high water tables of the area to be irrigated. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

All the soils mapped in the NW $\frac{1}{4}$ 5-91-50 are subject to seasonal high water tables. Under irrigation these water tables may become and remain perched. This may cause crop reduction and trafficability problems due to wetness, as well as preventing the necessary leaching of salts, for these reasons adequate internal drainage is required. To achieve this necessary internal drainage may require the use of a drainage system such as a tile drainage system.

The drainageway in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ shall remain in grass and/or alfalfa.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of conservation tillage to control erosion and conserve soil moisture.

You may wish to monitor the water table movements and soils relative to the effects of irrigation.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf

✓ cc: Division of Water Rights

RECEIPT

Division of Water Rights

No 4 9560

South Dakota Department of Water and Natural Resources

Pierre, February 27, 1984

RECEIVED OF Lawrence McInerney, RR 2, Box 41, Elk Point SD 57025

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 5014-3 to Appropriate Water, to construct works and to put water to beneficial use	225	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)		
Total	225	00

By

Chief Engineer

JOHN HATCH

ks

February 28, 1984

Lawrence McInerney
RR 2, Box 41
Elk Point, S.D. 57025

Bear Mr. McInerney:

Your application to appropriate 1.72 c.f.s. of water from a well located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5-T91N-R50W to irrigate 120 acres in the NW $\frac{1}{4}$ of Section 5-T91N-R50W was received February 23, 1984. The following will be required before further processing of your application can proceed.

1. A completed enclosed Form 2A must be submitted,
2. A log of the well, signed by a South Dakota licensed well driller,
3. Soil/Water compatibility approval from the State Conservation Commission.

To maintain the priority date of February 23, 1984 on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will now have sixty days from the date of this letter to correct your application and/or have the above information submitted to this office

If you have any questions please feel free to contact this office.

Sincerely,

BETTY WESTLUND
Natural Resource Analyst III

bw
Encl: As stated

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5014-3, Lawrence McInerney

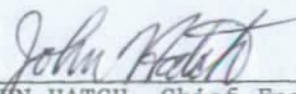
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5014-3, Lawrence McInerney, RR 2, Box 41, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5014-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 23, 1984

REPORT ON WATER PERMIT APPLICATION NO. 5014-3

LAWRENCE McINERNEY

May 21, 1984

Water Permit Application No. 5014-3 requests 1.72 cfs from one 116 foot deep well to irrigate 120 acres in Union County. The proposed water source is the Missouri Management Unit.

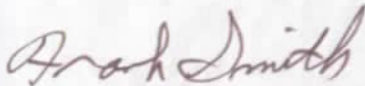
Discussion

The Missouri Aquifer is a glacial aquifer which underlies 219,100 acres in Clay, Union and Yankton Counties, containing an estimated 3,287,000 acre feet of recoverable water in storage.¹ In Union County the Missouri Management Unit contains an estimated 1,494,600 acre feet of recoverable water. It is under water table conditions in the area of this application. A total of 100,299 acre feet of water have been appropriated from the Missouri Aquifer in Union County, which is 7% of the estimated recoverable water. Reported annual use is approximately 10% of the appropriated water.

Twenty nine observation wells monitor the Missouri Aquifer in Union County. Water level records of the wells indicate that the aquifer is subject to seasonal fluctuations, but the water supply is not being depleted.

Conclusions

1. Unappropriated water is available for Water Permit Application No. 5014-3.
2. Development of this project will not cause water supply or interference problems with prior water rights or adequate domestic wells.



FRANK SMITH
Water Resources Engineer

References

1. Hedges, Burch, Iles, Barari, Schoon, Evaluation of Ground Water Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, SDGS, Vermillion, 1982.
2. Water Right Files, DWNr, Division of Water Rights, Pierre SD, 1984.
3. Observation Well Files, DWNr, Division of Water Rights, Pierre SD, 1984.
4. Irrigation Questionnaire Files, DWNr, Division of Water Rights, Pierre SD, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____ Union _____) ss.

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Leader-Courier

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of _____ Elk Point

County of _____ Union _____ and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 31, 1984

June 7, 1984

Lester E. Emerson
(Signature)

Lester E. Emerson, Editor
(Title)

June 7, 1984

(Date Signed)

Lester E. Emerson
my Commission Exp. 7-21-91

Cost of Printing: \$39.10

NOTICE OF HEARING ON
APPLICATION NO. 5014-3
TO APPROPRIATE WATER

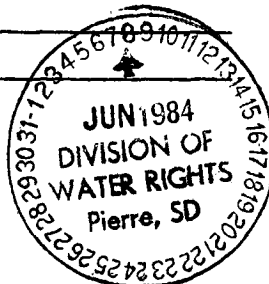
Notice is hereby given that
Lawrence McInerney whose mail-
ing address is RR#2, Box 41, Elk
Point, South Dakota has made an
application for a permit to appro-
priate 1.72 cubic feet per second of
water from groundwater, one well
116 feet deep. The point of diver-
sion will be located in the NE 1/4-
NW 1/4, Section 5, T91N, R50W.
The water will be used to irrigate
120 acres in the NW 1/4, Section 5,
T91N, R50W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends Ap-
proval of Application No. 5014-3
because 1) unappropriated water
is available, 2) will be no unlawful
impairment of existing rights, 3) is
beneficial use of water and 4) is in
the public interest.

This application will be consid-
ered by the Water Management
Board at Foss Building Room 216,
523 E. Capitol, Pierre, South Da-
kota, July 11, 1984 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or bind-
ing upon the Board and the Board
is authorized to make a determin-
ation on this application after it
reaches a conclusion based upon
facts presented at the public hear-
ing. Any interested person who
may be affected by a Board deci-
sion and who intends to partici-
pate in the hearing before the
Board and present evidence or
cross-examine witnesses according
to SDCL 1-20, must file a written
petition with BOTH the Board
and the Chief Engineer by June
29, 1984. The petition may be in-
formal, but it must include a state-
ment describing the petitioners in-
terest in the application, the rea-
son for the petitioner's opposition
to or support of the application,
and the signature and mailing ad-
dress of the petitioner or his legal
counsel if legal counsel is obtained.
The applicant need not file a peti-
tion.

This application is made pursu-
ant to the provisions of SDCL
46-1-1 thru 46-1-9, 46-1-12 thru
46-1-15; 46-2-3.1, 46-2-9, 46-2-11,
46-2-13, 46-2-17, 46-5-1 thru 46-5-
16, 46-5-24, 46-5-25, 46-5-30.2, 46-
5-31; 46-2A-1 thru 46-2A-10, 46-
2A-12; 46-6-3, 46-6-3.1, 46-6-6.1,
46-6-10, 46-6-13, 46-6-14; and
Board Rules ARSD 74:02:01:01
thru 74:02:01:15;



This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.

Kevin C. Larson
Natural Resources Engineer
Pub. May 31, June 7.

WP ~~OF WR~~ No. 5014-3

Instruction to Newspaper - Publish first publication of the following Notice on or before May 31, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5014-3 to Appropriate Water ~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Lawrence McInerney whose mailing address is RR#2, Box 41, Elk Point, South Dakota has made an application for a permit

to appropriate 1.72 cubic feet per second of water from groundwater, one well 116 feet deep. The point of diversion will be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T91N, R50W. The water will be used to irrigate 120 acres in the NW $\frac{1}{4}$, Section 5, T91N, R50W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5014-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Foss Building Room 216, 523 E. Capitol, Pierre, South Dakota, July 11 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by June 29, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) ~~46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 14, 1990

OCTOBER 1990 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

5014-3
LAWRENCE MCINERNEY
BOX 878
ELK POINT
SD 57025

UN/MI

1. SURFACE WATER _____ GROUNDWATER 23
2. Did you irrigate during 1990? Yes 23 No _____
3. Number of acres irrigated in 1990 129
4. Has your system been constructed? Yes _____ No ✓
5. Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes _____ No ✓
6. If no, do you apply above chemicals by other methods? Yes ✓ No 4
7. If yes, please describe under comments.

G

Telephone No. _____

Type of Power	No. of acres Irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	<u>129</u>
6. Propane	_____
7. Other	_____
Type of System	
1. Hand moved sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	<u>129</u>
5. Sidewheels	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

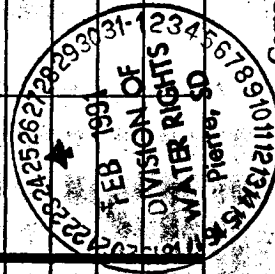
Average #			Acres of Crop Irrigated & Estimated Water Use			
Month	# days pumped	hours per day	Average pump rate (gpm)	Crop	Acres	Water Used
April					73	
May						
June						
July	14	24	1300	Corn	73	
August	10	24	1300	Corn	73	
Sept.				beans	56	
Oct.						
Other Months						

Owner or address change, if any:

COMMENTS: Preplant incorporated

Lawrence McInerney is no longer the operator please send the
questionnaire to Marty McInerney
RR 2 Box 41
Elk point SD 57025

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181





GREAT FACES. GREAT PLACES.

February 1, 1991

LAWRENCE MCINERNEY
BOX 878
ELK POINT SD 57025

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOTICE

RE: Violation of Water Permit No(s) 5014-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5014-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5014-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 5014-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
 Lawrence McInerney
 Box 878
 Elk Point SD 57025

4. Article Number
 P 694 057 536

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee
 X *Lawrence McInerney*

6. Signature — Agent
 X

7. Date of Delivery
 FEB 4 1991

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 25, 1991

5014-3
1088-3

Marty McInerney
RR #2 Box 41
Elk Point, SD 57025

Dear Mr. McInerney:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1088-3 and 5014-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire (originally sent to Lawrence McInerney). With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 3, 2002

5014-3

Lawrence McInerney
Box 878
Elk Point SD 57025

Dear Mr. McInerney:

On June 18, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5014-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Marty McInerney, 47023 322nd St, Elk Point SD 57025

Permit No. 5014-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 18, 2002**, made a thorough examination of the water use system constructed by **Lawrence McInerney** of **Box 878, Elk Point SD 57025** holder of Permit No. **5014-3**, bearing the priority of **February 23, 1984** authorizing the diversion of **1.72** cu. ft. per second of the waters of **ground water (Missouri Aquifer)** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Marty McInerney, Operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Wetmore**
- 2) No. of Wells **1**
- 3) Depth(s) **116** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Type **PVC**

Screen:

- 1) Type **slotted**

Pump:

- 1) Make **Johnson**
- 2) Serial No **72465**

Motor:

- 1) Make **Cummins diesel, 6 cyl.**

B. Works used to transport water to place of use:

Well located near center of pivot.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Valmont**
- 2) Number of towers **7**
- 3) End gun **Y**
- 4) High or low pressure **high**
- 5) Capacity **800** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**
- 3) Exceptions to compliance are: **none**

Report of Examination of Works

Permit No. 5014-3

The system is in good condition with the point of diversion located as follows: Well (NE $\frac{1}{4}$ NW $\frac{1}{4}$): 1,200 feet S and 1,400 feet E from the NW corner section 5-T91N-R50W (Lat. 42.73210 Long -96.78084). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in sec 5-T91N-R50W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 21 acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres

comprising a total of 101 acres of land and the license should be issued for 1.44 cfs.

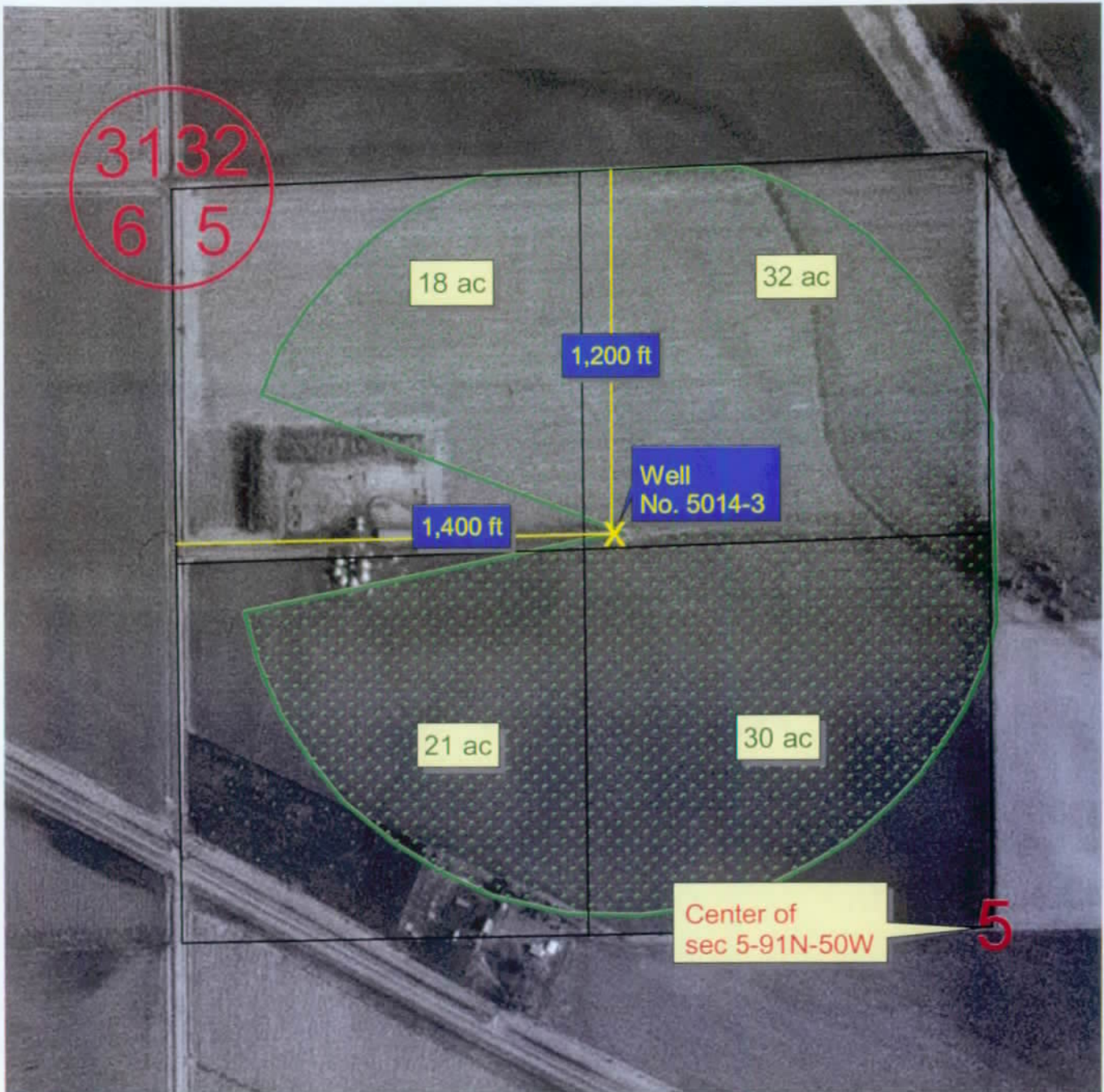
Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 3, 2002

800 0 800 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
September 3, 2002

No. 5014-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 9, 20 03

RECEIVED OF Sylvia McInerney, Box 878, Elk Point SD 57025

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5014-3</u>	50 00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	50.00

No.

000520

By

Darlene White
Chief Engineer *gm*

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5014-3

(1) Lawrence McInerney, Box 878, Elk Point, SD 57025 made Application No. 5014-3, February 23, 1984 for a water permit to divert 1.72 cubic feet of water per second from ground water (one well), Union County, South Dakota for irrigation purposes. Permit No. 5014-3, with a priority date of February 23, 1984 was approved July 11, 1984 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 11, 1989 and for the application to beneficial use of water on or before July 11, 1993.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Lawrence McInerney, Box 878, Elk Point SD 57025 the holder and/or owner of Water Right No. 5014-3 is issued a license, bearing a priority date of February 23, 1984 to appropriate 1.44 cubic feet of water per second from ground water (one well) to irrigate 101 acres.

The diversion point is located 1,200' S and 1,400' E of the NW corner of Section 5, T91N, R50W (NE $\frac{1}{4}$ NW $\frac{1}{4}$). The acres authorized for irrigation are as follows:

Section 5, T91N, R50W	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	18 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres
Total	101 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5014-3 including the following qualifications:

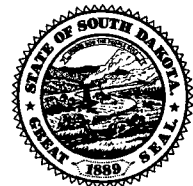
- The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 13 2003

5014-3

Lawrence McInerney
Box 878
Elk Point SD 57025

Dear Mr. McInerney:

Enclosed is Water License No. 5014-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000520 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5014-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 2, 2011

5014-3

Craig McInerney
47484 317th St
Elk Point SD 57025

Dear McInerney:

Thank you for the information concerning the ownership change needed for Water Right No. 5014-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions about the water right or need assistance with the transfer form, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

DEC - 7 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5014-3

Date: Dec. 5, 2011

I/We request that Water Right No. 5014-3

formerly owned by: Lawrence McInerney

be transferred to: (name & address) Craig McInerney, 47484 317th St, Elk Point SD 57025

Telephone No. 605 356-2595

Title to the following described land(s)/property has been transferred as described above:

101 acres – NW ¼ Section 5, T91N, R50W

I/We understand that the validity of Water Right No. 5014-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Craig McInerney, the new owner, certify that the above information is true and correct.

Craig McInerney
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/7, 20 11

RECEIVED OF Craig McInerney 47484 317th St Elk Point SD 57025

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5014-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05101**

By Gerald Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 8, 2011

5014-3

Craig McInerney
47484 317th St
Elk Point SD 57025

Dear McInerney:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5014-3.

The ownership change has been completed. The water right formerly held by Lawrence McInerney is now listed in your name.

Enclosed for your records is Receipt No. 05101 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

5014-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 4, 2021

5014-3
5287-3
7904-3

Craig McInerney
411 E Washington St
Elk Point SD 57025-2250

Dear Mr. McInerney:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaire.

The notice was originally mailed to 47484 317th St, Elk Point. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures